

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7694 of 2005

Between:

P. Guruvaiah, S/o. Venkateswarlu,
R/o. Anakapally, Visakhapatnam District.

..... PETITIONER

AND

- 1 The Chief Security Commissioner, Railway Protection- Force, South Central Railway, Rail Nilayam, Sec'bad.
- 2 The Divisional Security Commissioner, Railway Protection Force, South Central Railway, Vijayawada Division, Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in transferring the petitioner from Anakapally which comes under Vijayawada division to RPF a Training Centre Moula -Ali, Hyderabad which comes under Secunderabad Division vide Divisional Order No.34/2005, dt. 26.3.2005 basing on the force order No.24/2005, dt. 23.3.2005 of the first respondent even before completing of tenure period of 5 years is illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India apart from violation of Railway Board Circular Letter No.86/SEc(E)/TR-1/1, Dt. 24.7.96 (standing order No.15/96) and consequently direct the respondents to continue the petitioner at Anakapally till his tenure period or transfer with in the division.

Counsel for the Petitioner: MR.J.M.NAIDU

Counsel for the Respondents: MR.G.S.SANGHI, S.C. for Central Government

The Court made the following :

-

-

ORAL ORDER:

This writ petition is filed challenging the Force Order No.24/2005, dated 23.3.2005 passed by the 1st respondent transferring the petitioner from AKP to TC/MLY.

Heard the learned counsel for both the parties and perused the material on record.

The contention raised by the learned counsel for the petitioner is that as per the Circular Instructions No.E/1-96/4263, dated 1.8.1996, the other enrolled members of the Force are entitled to remain at a particular place for a period of five years. For that purpose, the petitioner gave a representation, dated 1.4.2005 to the 1st respondent. An appropriate decision has to be taken by the 1st respondent in accordance with the rules and regulations and the orders governing the transfer of postings.

Hence, without entering into the merits of the case, I consider it appropriate to direct the 1st respondent to take appropriate decision on the petitioner's representation, dated 1.4.2005 within a period of one week from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

(K.C.BHANU, J.)

7th April, 2005

bcj

To

- 1 The Chief Security Commissioner, Railway Protection- Force, South Central Railway, Rail Nilayam, Sec'bad.
- 2 The Divisional Security Commissioner, Railway Protection Force,
South Central Railway, Vijayawada Divn, Vijayawada, Krishna District.

3 Two C.D. copies

Note: Furnish copy in two days

B/o

bcj